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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 \* \* \*

6 Staci Robinson,

7 Plaintiffs,

8 v.

9 FC QIC Galleria at Sunset JV, LLC; et al.,

10 Defendants.

Case No. 2:23-cv-01509-JAD-DJA

**Order**

11 Before the Court is Defendant Macy's Retail Holdings, LLC's motion for Rule 35  
12 examination of Plaintiff's right shoulder. (ECF No. 20). Plaintiff has filed a non-opposition to  
13 that motion. (ECF No. 24). Macy's filed a reply explaining that Plaintiff cannot attend the date  
14 Macy's includes for the examination in its motion and asks the Court to order that the  
15 examination "happen sometime between now and June 24, 2024." (ECF No. 25). However, an  
16 order requiring a Rule 35 examination "must specify the time, place, manner, conditions, and  
17 scope of the examination, as well as the person or persons who will perform it." Fed. R. Civ. P.  
18 35(a)(2)(B). The Court thus declines to grant Macy's motion as it is written because the Court  
19 will be unable to comply with the requirements of Rule 35 in doing so. The Court denies the  
20 motion without prejudice so that the parties may file a stipulation regarding the examination once  
21 they determine the date and time.

22  
23 **IT IS THEREFORE ORDERED** that Macy's motion for a Rule 35 examination (ECF  
24 No. 20) is **denied without prejudice**.

25  
26 DATED: April 8, 2024

27   
28 **DANIEL J. ALBRECHTS**  
**UNITED STATES MAGISTRATE JUDGE**